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Attorney for Defendant
ROBERT JAMES HANNA

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

THE UNITED STATES OF AMERICA,

CASE NO. 2:20-CR-00006-KJM

Plaintiff,

V.

ROBERT JAMES HANNA,

**STIPULATION AND ORDER MODIFYING
BRIEFING SCHEDULE RE: DEFENDANT'S
MOTION PURSUANT TO 28 U.S.C. § 2255**

Defendant.

The United States, by and through its attorney of record, Michele Beckwith, and defendant Robert James Hanna, by and through his attorney of record, Erin J. Radekin, respectfully submit this stipulation and proposed order modifying the briefing schedule pertaining to Mr. Hanna's motion pursuant to 28 U.S.C. § 2255, ECF No. 41.

The parties agree and stipulate as follows:

¹ Mr. Hanna's pro se motion under § 2255 was filed on September 8, 2022. ECF No. 41.

2. On May 18, 2023, the Court adopted the parties' stipulation modifying the briefing schedule pertaining to Mr. Hanna's § 2255 motion. ECF No. 58. Pursuant to the order, a supplemental brief in support of Mr. Hanna's motion, amended § 2255 motion, or notice of non-supplementation is due on July 14, 2023. *Id.*

3. Ms. Radekin has obtained and reviewed all relevant records pertaining to Mr. Hanna's pro se

1 claims in his § 2255 motion, including state court records relating to Mr. Hanna’s prior convictions, and
2 performed legal research. She has identified a meritorious issue to raise in an amended § 2255 motion
3 relating to the sustained finding that Mr. Hanna suffered a prior crime of violence, his conviction of
4 California Penal code section 245, subdivision (a)(4), for purposes of calculating the base offense level
5 under U.S.S.G. § 2K2.1. *See* PSR at ¶¶ 20, 41. She has conferred with Mr. Hanna and with prior
6 counsel, Jessica Graves on multiple occasions. She has begun drafting an amended motion pursuant to §
7 2255 raising this sole issue. She is presently working with Ms. Graves to obtain Ms. Graves’ declaration
8 in support of the amended § 2255 motion, but does not yet have a finalized, signed declaration. Ms.
9 Radekin thus needs additional time to obtain Ms. Graves’ declaration and to prepare and finalize an
10 amended § 2255 motion.

12 4. The parties have conferred and agree that a modification of the briefing schedule is warranted
13 to allow Ms. Radekin to obtain Ms. Graves' declaration and to finalize the amended § 2255.

14 5. The parties agree to the following modification of the briefing schedule to allow Ms. Radekin
15 to complete these tasks: an amended § 2255 motion, supplemental brief in support of Mr. Hanna's pro se
16 motion, or notice on non-supplementation, due no later than **August 14, 2023**. The government's
17 opposition, or statement of non-opposition, is due **30 days after the amended § 2255 motion, is filed**.
18 Any reply to the government's brief is due **15 days after the government's brief is filed**.
19

20 | IT IS SO STIPULATED.

21 || Dated: July 14, 2023

PHILLIP A. TALBERT
United States Attorney

Dated: July 14, 2023

/s/ Erin J. Radekin
ERIN J. RADEKIN
Counsel for Defendant

ORDER

IT IS SO ORDERED this 18th day of July, 2023.

CHIEF UNITED STATES DISTRICT JUDGE